



ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

Nathaniel, 13	TALINA HURLEY, maternal grandmother, was appointed Guardian of the minors on 11/19/12	NEEDS/PROBLEMS/COMMENTS:
Scarlet, 10		
	On 05/27/14, Guardian's Petition to Fix Residence Outside the State of California was granted.	CONTINUED FROM 08/03/15 Minute Order from 08/03/15 states: Counsel requests 30 days; he is directed to file a declaration with a copy of the Oregon order attached as soon as it is obtained. The matter may come off calendar if the declaration/order is filed timely. Copy of document titled Acceptance of Appointment as Fiduciary filed 08/03/15 states that Talina Hurley was appointed Guardian on 07/30/15 and that she accepts the appointment and willingly subjects herself to the jurisdiction of the Oregon Court. 1. Need order appointing Guardian in Oregon. According to document filed 08/03/15, appointment as guardian was ordered on 07/30/15.
	On 06/24/14, Debra Swenson, paternal grandmother, filed an Ex Parte Application for Temporary Restraining Order Preventing Guardian from Fixing Residence of Minors Outside of California and an Order Shortening Time on Petition to Terminate Order Fixing Minors Residence Outside of California. The Ex Parte Application was granted on 06/24/14 and set a hearing for 07/10/14.	
Cont. from 012615, 030915, 060115, 062915, 080315	At the 07/10/14 hearing, the matter was set for a court trial on 07/24/14.	
Aff.Sub.Wit.	At the Court trial on 07/24/14, the Court found that there was no detriment in allowing the children to move to Oregon and set this matter for a Status Hearing regarding the Establishment of a Guardianship in Oregon.	
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt	Cover Sheet for Oregon Petition for Appointment of Guardian and Attached Documents filed 02/17/15 attaches a copy of a Petition for Appointment of Guardian in Washington County, Oregon.	
CI Report	Status Report filed 08/26/15 states: since the last hearing, the latest document filed in the Oregon proceeding is a General Judgment Transferring Guardianship Proceeding to Juvenile Court filed 08/07/15. <i>Copy of Document attached.</i>	
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: JF
		Reviewed on: 08/26/15
		Updates:
		Recommendation:
		File 2- Swenson

Petition for Final Settlement and Final Distribution, Waiver of Account, and for Allowance of Statutory Fees for the Executor and the Attorney

DOD: 1/17/13		DRAKE K. COTTON , Executor, is petitioner. Accounting is waived. I & A - \$235,000.00 POH - \$235,000.00 Executor - \$8,050.00 (greater than statutory, see note #2) Attorney - \$8,050.00 (greater than statutory, see note #2) Distribution, pursuant to Decedent's Will, is to: Drake K. Cotton - real property located at 6555 N. Raisina in Fresno and 1425 E. Calwa in Fresno.	NEEDS/PROBLEMS/COMMENTS: OFF CALENDAR. Order signed on 8/19/15
Cont. from 081015			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input checked="" type="checkbox"/>	Inventory		
<input checked="" type="checkbox"/>	PTC		
<input checked="" type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg W/O		
<input type="checkbox"/>	Aff.Mail		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters 3/14/14		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input checked="" type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input checked="" type="checkbox"/>	FTB Notice		
		Reviewed by: KT Reviewed on: 8/21/15 Updates: Recommendation: File 7 – Cotton	

DOD: 10-3-12		HOLLY FOLEY, Beneficiary, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
		<p>Petitioner states the trust was created 3-29-05 by Virginia Howard as Settlor and Trustee and amended and restated in its entirety on 7-4-11, and amended again on 8-12-11. Petitioner is informed and believes that VICTORIA HOWARD is currently the sole trustee, VAUGHN HOWARD having resigned on or about 6-23-14.</p> <p>Petitioner states Virginia Howard died 10-3-12. Petitioner alleges the value of the trust at her death was over \$600,000.00.</p> <p>On 5-16-14, Petitioner, through counsel, made a written request for an account of the trust. On 5-28-14, following the sale of certain real property owned by the trust, Petitioner again requested a full and complete account of the remaining assets. Petitioner is entitled to receive an account per Probate Code §16062.</p> <p>On or about 4-15-13, Petitioner received an inventory of trust assets from the trustee's former legal counsel, but has not received anything since that date. More than 60 days have elapsed since Petitioner's written request for a full account; therefore, this petition is appropriate under Probate Code §17200(b) and Petitioner requests an order of this Court instructing the trustee to deliver an account of the transactions of the trust to Petitioner.</p>	<p>Note: On 10-27-14: The Court removed Victoria Howard as the trustee and appointed the Public Administrator as the successor trustee.</p> <p><u>Continued from 9-29-14, 10-27-14, 1-26-15, 4-27-15, 6-29-15. The following issues remain noted for reference:</u></p> <ol style="list-style-type: none"> 1. Petitioner states Fresno County is the proper venue pursuant to Probate Code §17005 (a)(1) (principal place of administration); however, the current trustee, Victoria Howard, resides in <u>Red Oak, Iowa</u>, and the most recent former trustee, Vaughn Haward, resides in <u>Omaha, Nebraska</u>. Need clarification as to how Fresno County, CA, is the proper venue for this petition. 2. Petitioner provides the names and addresses of the beneficiaries, but does not state if these are all of the people <u>entitled to notice</u> pursuant to Probate Code §17201. Need clarification. 3. Petitioner mentions receipt of an inventory from the "Trustee's <u>former</u> legal counsel." Pursuant to Probate Code §1214, if the trustee is currently represented, notice is required to be served on the attorney, and Probate Code §17203 requires 30 days' notice. <p>The Court may require clarification as to how Petitioner knows that the trustee is no longer represented by the attorney who provided the inventory, and may require continuance for notice to the attorney for the trustee, if any.</p> <p>Note: The trust and amendments were prepared by Attorney Gilbert B. Fleming of Fresno, CA. Is this the attorney that served the inventory? If so, is this the basis for venue in Fresno?</p> <p><u>SEE ADDITIONAL PAGES</u></p>
Cont. from 092914, 102714, 012615, 042715, 062915			
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail	W	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: skc
			Reviewed on: 8/26/15
			Updates:
			Recommendation:
			File 10 - Howard

Page 2

First Supplement to Petition to Compel Account filed 10-22-14 states Attorney Gilbert Fleming continued to assist the trustees until about January 2014. Thereafter, Mr. Fleming continued to principally administer the trust from Fresno County, where the decedent resided and where both trust accounts and real property were located.

Petitioner is informed and believes that the remaining assets consist of a very small amount of money in the trust account, the trustee having depleted the account while still residing in Fresno, and the trust's interest in an investment fund.

No petition to transfer administration has been filed pursuant to §17401 and Section 12.05 of the trust. Accordingly, administration continues to be Fresno County and venue is proper in Fresno County.

Though counsel for petitioner have repeatedly inquired as to whether the trustee has retained new counsel after Mr. Fleming withdrew in January 2014, Petitioner is informed and believes that the trustee has not, and remains unrepresented.

The following additional Examiner's Notes remain noted for reference:

Probate Code §17002 states:

17002. (a) The principal place of administration of the trust is the usual place where the day-to-day activity of the trust is carried on by the trustee or its representative who is primarily responsible for the administration of the trust.

(b) If the principal place of administration of the trust cannot be determined under subdivision (a), it shall be determined as follows:

(1) If the trust has a single trustee, the principal place of administration of the trust is the trustee's residence or usual place of business.

(2) If the trust has more than one trustee, the principal place of administration of the trust is the residence or usual place of business of any of the cotrustees as agreed upon by them or, if not, the residence or usual place of business of any of the cotrustees.

If Mr. Fleming withdrew as counsel for the trustees, how did administration of the trust continue in Fresno without him? Pursuant to Probate Code §17002, the principal place of administration follows the trustee.

§17400 applies to trusts that are already before the Court. That is not the case here, and the trust section referenced does not appear to require petition to the Court for transfer. The trust has never been before this Court.

If Mr. Fleming's former representation of the trustee is the basis for Fresno as venue, Mr. Fleming is entitled to Notice of Hearing on Mr. Fleming at least 30 days prior to the hearing pursuant to §17203 and §1214.

**Lisa Love Rodriguez, Marcelo Eric Rodriguez, and
Lorenzo Garcia Rodriguez (GUARD/P) Case No. 15CEPR00258**

Petitioner Rebecca Rodriguez (Pro Per – Paternal Grandmother – Petitioner)
Petitioner Pablo Rodriguez, Jr. (Pro Per – Paternal Step-Grandfather – Petitioner)

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

		See petition for details.	NEEDS/PROBLEMS/COMMENTS: <u>Minute Order 7/27/15:</u> The Court grants one last continuance for service as to the maternal grandfather. The following remains noted: 1. If diligence is not found, need notice to Maternal Grandfather Ricardo Garcia per Probate Code §1511.	
Cont from 051815, 062215, 072715				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail			W
	Aff.Pub.			
	Sp.Ntc.			
✓	Pers.Serv.			W
✓	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
	Objections			
	Video Receipt			
✓	CI Report			
✓	Clearances			
✓	Order			
	Aff. Posting			
	Status Rpt			
✓	UCCJEA			
	Citation			
	FTB Notice			
Reviewed by: skc Reviewed on: 8/26/15 Updates: Recommendation: File 13 - Rodriguez				

DOD: 12/7/14		HENRY MICHAEL PADILLA, JR.,	NEEDS/PROBLEMS/COMMENTS:
		Son, is Petitioner and requests	<u>Continued from 5/4/15, 7/20/15</u>
		appointment as	<u>The following is a NEW issue:</u>
		Administrator with Full IAEA	1. Petitioner listed himself and Michelle Nino at
		without bond.	#8 of the petition, but did not provide Ms.
Cont. from 050415, 072015		All heirs waive bond.	Nino's relationship to the decedent.
<input type="checkbox"/>	Aff.Sub.Wit.		Declaration of Michelle Nino filed 8/17/15
<input checked="" type="checkbox"/>	Verified	Full IAEA – ok	states she is one of two children of the
<input type="checkbox"/>	Inventory	Decedent died intestate	decedent and waives NOTICE and also
<input type="checkbox"/>	PTC		waives ANY INTEREST in the estate.
<input type="checkbox"/>	Not.Cred.	Residence: Fresno	Ms. Nino's declaration appears to be an
<input type="checkbox"/>	Notice of Hrg	Publication: Business Journal	irrevocable disclaimer of interest as
<input type="checkbox"/>	Aff.Mail		discussed in Probate Code §§ 265, 275
<input checked="" type="checkbox"/>	Aff.Pub.	Estimated value of estate:	et seq.
<input type="checkbox"/>	Sp.Ntc.	Personal property: \$1,000.00	Pursuant to Probate Code §282, a
<input type="checkbox"/>	Pers.Serv.	Real property: \$155,000.00	disclaimer, when effective, is irrevocable
<input type="checkbox"/>	Conf. Screen	Total: \$156,000.00	and binding, and the disclaimed interest
<input checked="" type="checkbox"/>	Letters	Probate Referee: Rick Smith	shall descend to the issue of the disclaimant
<input checked="" type="checkbox"/>	Duties/Supp		as if the disclaimant had predeceased the
<input type="checkbox"/>	Objections		decedent.
<input type="checkbox"/>	Video Receipt		<u>Therefore, need clarification:</u> Does Ms. Nino
<input type="checkbox"/>	CI Report		have issue that will now be heir(s) to her
<input type="checkbox"/>	9202		share of the estate? If so, need their
<input checked="" type="checkbox"/>	Order		information pursuant to #8 of the petition,
<input type="checkbox"/>	Aff. Posting		and need waivers of bond from them.
<input type="checkbox"/>	Status Rpt		Note that bond cannot be waived if there
<input type="checkbox"/>	UCCJEA		are minor heirs.
<input type="checkbox"/>	Citation		Note: If granted, the Court will set status
<input type="checkbox"/>	FTB Notice		hearings as follows:
			<ul style="list-style-type: none"> Monday, February 1, 2016 for filing the Inventory and Appraisal Monday, January 9, 2017 for filing the first account or petition for final distribution.
			If the proper items are filed prior to the status hearing dates pursuant to Local Rule 7.5, the status hearings may come off calendar.
			Reviewed by: skc
			Reviewed on: 8/25/15
			Updates:
			Recommendation:
			File 14- Padilla

Petition for Appointment of Guardian of the Person (Prob. Code §1510)

See petition for details.			NEEDS/PROBLEMS/COMMENTS:
			Continued from 6/15/15, 7/20/15
			1. Petitioner did not provide the names of the paternal grandparents or the maternal grandfather.
			Notice of Hearing filed 8/21/15 shows service on the minor, the father, and the maternal grandmother, and also shows service on a Roberto Reyes, but it is unclear who this person is. Is Roberto Reyes the paternal grandfather?
			Need proof of service of Notice of Hearing with a copy of the petition at least 15 days prior to the hearing <u>or</u> consent and waiver of notice <u>or</u> declaration of due diligence on:
			- Paternal Grandfather
			- Paternal Grandmother
			- Maternal Grandfather
			Reviewed by: skc
			Reviewed on: 8/26/15
			Updates:
			Recommendation:
			File 15 - Reyes

Cont. from 061515, 072015		
	Aff.Sub.Wit.	
✓	Verified	
	Inventory	
	PTC	
	Not.Cred.	
✓	Notice of Hrg	
	Aff.Mail	X
	Aff.Pub.	
	Sp.Ntc.	
✓	Pers.Serv.	W
✓	Conf. Screen	
✓	Letters	
✓	Duties/Supp	
	Objections	
	Video Receipt	
✓	CI Report	
✓	Clearances	
✓	Order	
	Aff. Posting	
	Status Rpt	
✓	UCCJEA	
	Citation	
	FTB Notice	

Petition for Appointment of Guardian of the Person (Prob. Code §1510)

		See petition for details.	NEEDS/PROBLEMS/COMMENTS: Continued from 6/15/15, 7/20/15. <u>Minute Order 7/20/15</u> : Maria Vargas and Ruby Martinez are to file written objections by 8/3/15 or the Court will not consider them. As of 8/26/15, nothing further has been filed. The following issue remains noted: 1. The Notice of Hearing served on paternal grandmother Felipa Arredondo and maternal grandmother Ruby Martinez is blank and the attached proof of personal service does not indicate that a copy of the petition was included in the service. The Court may require further service pursuant to Probate Code §1511.
Cont. from 061515, 072015			
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail W		
	Aff.Pub.		
	Sp.Ntc.		
✓	Pers.Serv. W		
✓	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
	Objections		
	Video Receipt		
✓	CI Report		
✓	Clearances		
✓	Order		
	Aff. Posting		
	Status Rpt		
✓	UCCJEA		
	Citation		
	FTB Notice		
		Reviewed by: skc	
		Reviewed on: 8/26/15	
		Updates:	
		Recommendation:	
		File 16 - Saavedra	

Petition for Appointment of Guardian of the Person (Prob. Code §1510)

		See petition for details.	NEEDS/PROBLEMS/COMMENTS: <u>Minute Order 7/27/15:</u> The Court admonishes that the same defects remain in this matter and grants one last continuance for Ms. Palms to get them cured. As of 8/26/15, nothing further has bene filed. The following issues remain: 1. Need Notice of Hearing. 2. Need proof of personal service of Notice of Hearing with a copy of the petition per Probate Code §1511 at least 15 days prior to the hearing or consent and waiver of notice on: - Thurman Ligons (Father) - Laquandra Kinchen Ligons (Mother) 3. Need proof of service of Notice of Hearing with a copy of the petition per Probate Code §1511 at least 15 days prior to the hearing or consent and waiver of notice or declaration of due diligence on: - Paternal Grandmother - Maternal Grandfather Nick Kinchen - Maternal Grandmother Cassandra Miles - Siblings age 12 or older	
Cont. from 061515, 072715				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
	Notice of Hrg			X
	Aff.Mail			X
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			X
✓	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
	Objections			
	Video Receipt			
	DSS Report			X
	Clearances			X
✓	Order			
	Aff. Posting			
	Status Rpt			
✓	UCCJEA			
	Citation			
	FTB Notice			
			Reviewed by: SKC	
			Reviewed on: 8/26/15	
			Updates:	
			Recommendation:	
			File 17 - Ligons	